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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,197	12/15/2003	Patrick Rocco Guido	5577-287	4343
46589 7590 05/29/2007 MYERS BIGEL SIBLEY SAJOVEC P.A. PO BOX 37428 RALEIGH, NC 27627			EXAMINER NGUYEN, CAO H	
			ART UNIT 2173	PAPER NUMBER
			MAIL DATE 05/29/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/736,197	<b>Applicant(s)</b> GUIDO ET AL.	
	<b>Examiner</b> Cao (Kevin) Nguyen	<b>Art Unit</b> 2173	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 March 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-2 and 14-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Allowable Subject Matter***

Claim 13 is allowed over the prior art.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-12 and 14-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kierman et al. (US Patent No. 5,701,137) in view of Gasser (US Patent No. 6,636,250).

Regarding claims 1 and 17, Kierman discloses a method for displaying a set of hierarchical data and a set of non-hierarchical data on an electronic display, the method comprising displaying at least part of the set of hierarchical data on the electronic display in a tree diagram that has a plurality of levels with one or more nodes present at each level (see col.

Art. Unit: 2173

6, lines 7-50); however, Kierman fails to explicitly teach displaying the set of non-hierarchical data on the electronic display in a plurality of auxiliary nodes that are provided between at least some of the plurality of levels of the tree diagram.

Gasser discloses displaying the set of non-hierarchical data on the electronic display in a plurality of auxiliary nodes that are provided between at least some of the plurality of levels of the tree diagram (see col. 2, lines 23-42). It would have been obvious to one of ordinary skill in the art, having the teachings of Kierman and Gasser before him at the time the invention was made, to modify a set of hierarchical of Kierman to include the non-hierarchical diagram tree, as taught by Gasser. One would have been motivated to make such a combination in order to only be able to represent a limited number of hierarchical tree relationships within the graphical user interface at one point in time. Additionally, the hierarchical structure of a tree diagram may allow the user to more quickly and efficiently peruse the data, such as by reviewing the entries at the higher levels to locate particular branches which are most likely to contain the information of interest

Regarding claim 2, Kierman discloses further comprising displaying an expansion handle adjacent at least one of the nodes in the tree diagram, wherein the expansion handle is configured to expand or collapse the tree diagram at the at least one of the nodes (see col. 7, lines 45-65 and figure 6).

Regarding claim 3, Gasser discloses further comprising using the expansion handle to show or hide selected of the auxiliary nodes (see col. 14, lines 48-65).

Regarding claim 4, Gasser discloses further comprising pointing to the expansion handle with a pointing device while simultaneously double-clicking a control button on the pointing device to show or hide selected of the auxiliary nodes (see col. 15, lines 1-54).

Regarding claim 5, Gasser discloses wherein pointing to the expansion handle with a pointing device while pressing a first button on the pointing device operates to expand or collapse the tree diagram at the at least one of the nodes, and wherein pointing to the expansion handle with the pointing device while pressing a second button on the pointing device operates to show or hide selected of the auxiliary nodes (see col. 16, lines 11-62).

Regarding claim 6, Gasser discloses further comprising displaying a secondary expansion handle adjacent at least one of the nodes in the tree diagram, wherein the secondary expansion handle is configured to show or hide selected of the auxiliary nodes (see col. 17, lines 23-67).

Regarding claim 7, Gasser discloses wherein the expansion handle comprises a first type of icon and the secondary expansion handle comprises a second type of icon that is different than the first type of icon (see col. 18, lines 8-67).

Regarding claim 8, Kierman discloses wherein at least some of the nodes in the tree diagram comprise an expansion handle and a data entry connected by a horizontal connector, and wherein the method further comprises displaying a secondary expansion handle on or adjacent to at least one of the horizontal connectors (see col. 10, lines 3-60).

Claim 9 differs from claims 1 in that “expanding the tree diagram at one of the first plurality of nodes to display a second part of the set of hierarchical data in a second plurality of nodes that descend from the one of the first plurality of nodes; and expanding the one of the first

Art Unit: 2173

plurality of nodes to display a plurality of auxiliary nodes that contain a portion of the set of non-hierarchical data” as recited in Gasser; see col. 31, lines 24-50. It would have been obvious to one of ordinary skill in the art, having the teachings of Kierman and Gasser before him at the time the invention was made, to modify a set of hierarchical of Kierman to include the non-hierarchical diagram tree, as taught by Gasser. One would have been motivated to make such a combination in order to only be able to represent a limited number of hierarchical tree relationships within the graphical user interface at one point in time. Additionally, the hierarchical structure of a tree diagram may allow the user to more quickly and efficiently peruse the data, such as by reviewing the entries at the higher levels to locate particular branches which are most likely to contain the information of interest.

Regarding claim 10, Kierman discloses further comprising toggling an expansion handle adjacent the one of the first plurality of nodes to initiate the expansion of the tree diagram at one of the first plurality of nodes (see col. 11, lines 8-44).

Regarding claim 11, Kierman discloses further comprising using the expansion handle adjacent the one of the first plurality of nodes to initiate the display of the auxiliary nodes (see col. 8, lines 13-60).

Regarding claims 12 and 19, Kierman discloses further comprising toggling a second expansion handle located adjacent the expansion handle to initiate the display of the auxiliary nodes (see col. 10, lines 3-60).

Claim 18 differs from claims 1 and 17 in that “a computer readable program code configured to expand the tree diagram at one of the first plurality of nodes to display a second part of the set of hierarchical data in a second plurality of nodes that descend from the one

Art Unit: 2173

of the first plurality of nodes; and computer readable program code configured to expand the one of the first plurality of nodes to display a plurality of auxiliary nodes that contain a portion of the set of non-hierarchical data; as recited in Gasser see figures 3-9. One would have been motivated to make such a combination in order to only be able to represent a limited number of hierarchical tree relationships within the graphical user interface at one point in time.

Additionally, the hierarchical structure of a tree diagram may allow the user to more quickly and efficiently peruse the data, such as by reviewing the entries at the higher levels to locate particular branches which are most likely to contain the information of interest.

### ***Response to Arguments***

Applicant's arguments filed on 03/20/07 have been fully considered but they are not persuasive.

In response to applicant's argument that "displaying the set of non-hierarchical data on the electronic display in a plurality of auxiliary nodes that are provided between at least some of the plurality, of levels of the tree" as recited in the last clause of Claim 1. In this regard, it should be noted that the "plurality of levels" are the levels of the tree diagram at which hierarchical data is displayed", the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985).

In response to applicant's argument on pages 7-8 that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining

Art Unit: 2173

or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Kierman discloses a method for displaying a set of hierarchical data used in combination of displaying the set of non-hierarchical data on the electronic display, as taught by Grasser. One would have been motivated to make such a combination in order to only be able to represent a limited number of hierarchical tree relationships within the graphical user interface at one point in time. Additionally, the hierarchical structure of a tree diagram may allow the user to more quickly and efficiently peruse the data, such as by reviewing the entries at the higher levels to locate particular branches which are most likely to contain the information of interest.

Applicant argues that Keirman and Gasser do not teach or suggest an expansion handle that allows a user to both expand or collapse a node that contains hierarchical data as well as to independently show/hide selected of the auxiliary nodes that contain non-hierarchical data; pointing to the expansion handle with a pointing device while pressing a first button on the pointing device operates to expand or collapse the tree diagram at the at least one of the nodes and that pointing to the expansion handle with the pointing device while pressing a second button on the pointing device operates to show or hide selected of the auxiliary nodes. The examiner respectfully disagrees. The examiner respectfully disagrees. As shown in figures 2-4, Keirman teaches a user positions the cursor over a portion of the tree control that appears as a plus/minus symbol in a box, a mouse click on this symbol expands or collapses a node, depending on its current state. For instance, if a user positions the cursor over a minus symbol



representing a collapsed node and clicks on the left mouse button, the user interface expands the node, changing the status of the expanded node to open. Other display status data, such as whether a node is highlighted, can also be stored in the display entity, as recited to col. 8, lines 43-60.

Applicant argues that Keirman and Gasser do not teach or suggest using a first button on a pointing device to expand/collapse the nodes in the tree diagram that contain hierarchical data while using a second button on the pointing device to show/hide selected of the non-hierarchical data containing auxiliary nodes; and the expansion handle comprises a first type of icon and the secondary expansion handle comprises a second type of icon that is different than the first type of icon. The examiner respectfully disagrees. As shown in figures 5-7, Gasser teaches the term "recursive" hierarchy as used herein generally implies the ability of the GRUI of this invention to display an icon in multiple places on the GRUI. The GRUI may thus display an icon a parent icon and then again as a child icon at some point beneath the parent icon representing the same descriptor, or, the same icon may be displayed in multiple places on the GRUI that are not necessarily related to one another in a hierarchical manner. In this instance, the ability of the invention to display icons "recursively" actually represents more of a display of an arbitrary relationship between the icons, or a many-to-many relationship, as recited in col. 31, lines 23-43.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., independently expanding the one of the first plurality of nodes to display on the electronic display..) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification,

Art Unit: 2173

limitations from the specification are not read into the claims. See *In re Van Geuns*, 988

F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant argues that Keirman and Gasser do not teach or suggest using the expansion handle adjacent the one of the first plurality of nodes to initiate the display of the auxiliary nodes, and toggling a second expansion handle located adjacent the expansion handle to initiate the display of the auxiliary nodes. The examiner respectfully disagrees. As shown in figures 2-4, Keirman teaches the root node is the highest level of the hierarchy. Under the root node, there are several instances of child nodes where N is number representing an arbitrary number of nodes. For simplicity, the entire tree is shown within a window, but often an entire tree cannot fit into a single window on the display screen. Each child node can have additional child nodes. For example, instance N-2 is expanded into a number of child nodes named folders 48. Folder 2 is expanded into sub-folders named 1 and 2. Finally, sub-folder 2 is expanded into child nodes, leaves 1 through N. Having no child nodes, a leaf node is the lowest level of hierarchy. While the names of the nodes, their physical appearance, and the allowed number of levels can vary depending on the application, the tree structure provides a general example of a hierarchical tree structure, as recited in col. 6, lines 13-25.

Accordingly, the claimed invention as represented in the claims does not represent a patentable distinction over the art of record.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

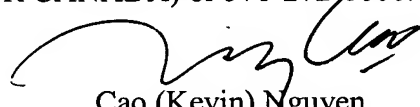
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cao (Kevin) Nguyen whose telephone number is (571)272-4053. The examiner can normally be reached on 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571)272-4048. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2173

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Cao (Kevin) Nguyen  
Primary Examiner  
Art Unit 2173

05/25/07